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REMARKS

In the Advisory Action of June 18, 2008 the Examiner states that Applicant's April 29, 2008 reply to the final rejection has not been entered. In the Advisory Action of September 29, 2008 the Examiner also refused to enter Applicant's July 9, 2008 response. Applicants herein submit a revised version of the reply taking into account the Examiner's remarks stated in the June 18th and September 29th Advisory Actions to more precisely define the invention.

The Examiner rejects claims 1, 3-6, 8, 9 and 12-15 under 35 USC 112, first paragraph, for adding the proviso language at the end of claim 1 without support in the specification. By this amendment claims 1, 3-6, 8, 9 and 12-15 have been canceled and new claims 16 through 24 added. No new matter has been added.

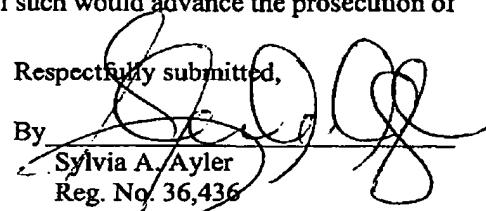
Claim 9 is rejected under 35 USC 112, first paragraph, because the specification is not enabling for treating macular edema, macular degeneration, increasing retinal and optic nerve head blood velocity, increasing retinal and optic nerve oxygen tension and/or providing a neuroprotective effect in a patient in need thereof. Claim 9 has been canceled without prejudice to refile.

Claims 1, 2, 4, 5 and 12 are rejected under 35 USC 102(b) as being anticipated by US 5,990,146; 6,531,484; 6,248,755; 6,352,985; and 4,212,876. The Examiner states that formula I in column 2 of '146 (Boschelli et al.) teaches the instant compounds. Claim 1 has been amended to recite that the definition of "Y" is 1-6 and delete $(CH_2)_nR_9$ in the definition of "W". No new matter has been added as support for "Y" being 1-6 is found in the specification. These amendments remove any overlap with '146. Regarding '484 (Willoughby et al) and '876 (Houlihan), the amendment to "Y" and "W" as indicated herein also eliminate any overlap with '484 and '876. Regarding '985 (Yamasaki et al), claim 1 has been further amended to delete "CN", "C₁₋₆ alkylcarbonyl", and "S(O)_qR_y" from the definition of R₄ and R₅ and to delete "COOR", "Cl", "Br", "OH" and "CN" from the definition of R^a to remove any overlap. R³ of '985 requires a carboxyl, carbonyl, amino, carbamoyl, or sulfonyl substituent at this position. The instantly amended invention does not provide for such substitution. Moreover, Claim 1 has been further amended to delete $(CH_2)_nR_9$ from the definition of "W". A review of R1, R6, R13, R14, R28, R27, R30, R32, R35 and R39 of '985 will reveal that there is no possibility of a carbonyl or alkylcarbonyl substituent being directly off the nitrogen atom of the benzimidazole ring. None of the compounds in Figures 1 through 58 of '985 teach or disclose a compound as taught in the instantly claimed invention.

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Applicants would like to thank the examiner for allowing claim 7 (now claim 19).

As a result of the amendments and remarks, Applicants believe the examiners concerns have been met and overcome. The examiner is therefore respectively requested to remove the objections and rejections. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,
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